

Representative Wayne A. Harper proposes the following substitute bill:

TAX REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends the Property Tax Act, the Individual Income Tax Act, and related provisions to address procedures related to the property tax residential exemption and the determination of domicile for individual income tax purposes.

Highlighted Provisions:

This bill:

- ▶ requires a property owner to provide certain notice to the county board of equalization and make a declaration on the property owner's individual income tax return if the property owner is no longer eligible to receive a property tax residential exemption for the property owner's primary residence;
- ▶ allows the State Tax Commission to provide information to a county on a property owner's declaration on an individual income tax return that the property owner is no longer eligible to receive a property tax residential exemption for the property owner's primary residence;
- ▶ addresses the determination of domicile for purposes of Title 59, Chapter 10, Individual Income Tax Act; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect for a taxable year beginning on or after January 1, 2012.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **59-1-403**, as last amended by Laws of Utah 2010, Chapters 6 and 67

32 **59-2-103.5**, as last amended by Laws of Utah 2008, Chapter 382

33 **59-10-103.1**, as enacted by Laws of Utah 2000, Chapter 84

34 ENACTS:

35 **59-10-136**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **59-1-403** is amended to read:

39 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

40 (1) (a) Any of the following may not divulge or make known in any manner any
41 information gained by that person from any return filed with the commission:

- 42 (i) a tax commissioner;
- 43 (ii) an agent, clerk, or other officer or employee of the commission; or
- 44 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
45 town.

46 (b) An official charged with the custody of a return filed with the commission is not
47 required to produce the return or evidence of anything contained in the return in any action or
48 proceeding in any court, except:

- 49 (i) in accordance with judicial order;
- 50 (ii) on behalf of the commission in any action or proceeding under:
 - 51 (A) this title; or
 - 52 (B) other law under which persons are required to file returns with the commission;
- 53 (iii) on behalf of the commission in any action or proceeding to which the commission
54 is a party; or
- 55 (iv) on behalf of any party to any action or proceeding under this title if the report or
56 facts shown by the return are directly involved in the action or proceeding.

57 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
58 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
59 pertinent to the action or proceeding.

60 (2) This section does not prohibit:

61 (a) a person or that person's duly authorized representative from receiving a copy of
62 any return or report filed in connection with that person's own tax;

63 (b) the publication of statistics as long as the statistics are classified to prevent the
64 identification of particular reports or returns; and

65 (c) the inspection by the attorney general or other legal representative of the state of the
66 report or return of any taxpayer:

67 (i) who brings action to set aside or review a tax based on the report or return;

68 (ii) against whom an action or proceeding is contemplated or has been instituted under
69 this title; or

70 (iii) against whom the state has an unsatisfied money judgment.

71 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
72 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
73 Rulemaking Act, provide for a reciprocal exchange of information with:

74 (i) the United States Internal Revenue Service; or

75 (ii) the revenue service of any other state.

76 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
77 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
78 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
79 other written statements with the federal government, any other state, any of the political
80 subdivisions of another state, or any political subdivision of this state, except as limited by
81 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
82 government grant substantially similar privileges to this state.

83 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
84 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
85 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
86 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
87 due.

88 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and
89 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as
90 requested by the executive secretary, any records, returns, or other information filed with the
91 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5
92 regarding the environmental assurance program participation fee.

93 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
94 provide that person sales and purchase volume data reported to the commission on a report,
95 return, or other information filed with the commission under:

- 96 (i) Chapter 13, Part 2, Motor Fuel; or
- 97 (ii) Chapter 13, Part 4, Aviation Fuel.

98 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
99 as defined in Section 59-22-202, the commission shall report to the manufacturer:

100 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
101 manufacturer and reported to the commission for the previous calendar year under Section
102 59-14-407; and

103 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
104 manufacturer for which a tax refund was granted during the previous calendar year under
105 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

106 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
107 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
108 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

109 (h) Notwithstanding Subsection (1), the commission may:

110 (i) provide to the Division of Consumer Protection within the Department of
111 Commerce and the attorney general data:

- 112 (A) reported to the commission under Section 59-14-212; or
- 113 (B) related to a violation under Section 59-14-211; and

114 (ii) upon request, provide to any person data reported to the commission under
115 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

116 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
117 of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of Planning
118 and Budget, provide to the committee or office the total amount of revenues collected by the

119 commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period
120 specified by the committee or office.

121 (j) Notwithstanding Subsection (1), the commission shall make the directory required
122 by Section 59-14-603 available for public inspection.

123 (k) Notwithstanding Subsection (1), the commission may share information with
124 federal, state, or local agencies as provided in Subsection 59-14-606(3).

125 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
126 Recovery Services within the Department of Human Services any relevant information
127 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
128 who has become obligated to the Office of Recovery Services.

129 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
130 Recovery Services to any other state's child support collection agency involved in enforcing
131 that support obligation.

132 (m) (i) Notwithstanding Subsection (1), upon request from the state court
133 administrator, the commission shall provide to the state court administrator, the name, address,
134 telephone number, county of residence, and Social Security number on resident returns filed
135 under Chapter 10, Individual Income Tax Act.

136 (ii) The state court administrator may use the information described in Subsection
137 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

138 (n) Notwithstanding Subsection (1), the commission shall at the request of a
139 committee, commission, or task force of the Legislature provide to the committee, commission,
140 or task force of the Legislature any information relating to a tax imposed under Chapter 9,
141 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

142 (o) (i) As used in this Subsection (3)(o), "office" means the:

143 (A) Office of the Legislative Fiscal Analyst; or

144 (B) Office of Legislative Research and General Counsel.

145 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),
146 the commission shall at the request of an office provide to the office all information:

147 (A) gained by the commission; and

148 (B) required to be attached to or included in returns filed with the commission.

149 (iii) (A) An office may not request and the commission may not provide to an office a

150 person's:

151 (I) address;

152 (II) name;

153 (III) Social Security number; or

154 (IV) taxpayer identification number.

155 (B) The commission shall in all instances protect the privacy of a person as required by
156 Subsection (3)(o)(iii)(A).

157 (iv) An office may provide information received from the commission in accordance
158 with this Subsection (3)(o) only:

159 (A) as:

160 (I) a fiscal estimate;

161 (II) fiscal note information; or

162 (III) statistical information; and

163 (B) if the information is classified to prevent the identification of a particular return.

164 (v) (A) A person may not request information from an office under Title 63G, Chapter
165 2, Government Records Access and Management Act, or this section, if that office received the
166 information from the commission in accordance with this Subsection (3)(o).

167 (B) An office may not provide to a person that requests information in accordance with
168 Subsection (3)(o)(v)(A) any information other than the information the office provides in
169 accordance with Subsection (3)(o)(iv).

170 (p) Notwithstanding Subsection (1), the commission may provide to the governing
171 board of the agreement or a taxing official of another state, the District of Columbia, the United
172 States, or a territory of the United States:

173 (i) the following relating to an agreement sales and use tax:

174 (A) information contained in a return filed with the commission;

175 (B) information contained in a report filed with the commission;

176 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or

177 (D) a document filed with the commission; or

178 (ii) a report of an audit or investigation made with respect to an agreement sales and
179 use tax.

180 (q) Notwithstanding Subsection (1), the commission may provide information

181 concerning a taxpayer's state income tax return or state income tax withholding information to
182 the Driver License Division if the Driver License Division:

183 (i) requests the information; and

184 (ii) provides the commission with a signed release form from the taxpayer allowing the
185 Driver License Division access to the information.

186 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah [State]
187 911 Committee the information requested by the Utah [State] 911 Committee under Subsection
188 53-10-602(3).

189 (s) Notwithstanding Subsection (1), the commission may provide to the Utah
190 Educational Savings Plan information related to a resident or nonresident individual's
191 contribution to a Utah Educational Savings Plan account as designated on the resident or
192 nonresident's individual income tax return under Section 59-10-1313.

193 (t) Notwithstanding Subsection (1), the commission shall provide an eligibility worker
194 with the Children's Health Insurance Program with the adjusted gross income of an individual
195 if:

196 (i) an eligibility worker with the Children's Health Insurance Program requests the
197 information from the [~~Utah State Tax Commission~~] commission; and

198 (ii) the eligibility worker has complied with the identity verification and consent
199 provisions of Section 26-40-105.

200 (u) Notwithstanding Subsection (1), the commission may provide to a county, as
201 determined by the commission, information declared on an individual income tax return in
202 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
203 authorized under Section 59-2-103.

204 (4) (a) Reports and returns shall be preserved for at least three years.

205 (b) After the three-year period provided in Subsection (4)(a) the commission may
206 destroy a report or return.

207 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

208 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
209 the person shall be dismissed from office and be disqualified from holding public office in this
210 state for a period of five years thereafter.

211 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in

212 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with
213 Subsection (3)(o)(v):

214 (i) is not guilty of a class A misdemeanor; and

215 (ii) is not subject to:

216 (A) dismissal from office in accordance with Subsection (5)(b); or

217 (B) disqualification from holding public office in accordance with Subsection (5)(b).

218 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

219 Section 2. Section **59-2-103.5** is amended to read:

220 **59-2-103.5. Procedures to obtain an exemption for residential property --**

221 **Procedure if property owner or property no longer qualifies to receive a residential**
222 **exemption.**

223 (1) Subject to the other provisions of this section, a county legislative body may by
224 ordinance require that in order for residential property to be allowed a residential exemption in
225 accordance with Section 59-2-103, an owner of the residential property shall file with the
226 county board of equalization a statement:

227 (a) on a form prescribed by the commission by rule;

228 (b) signed by all of the owners of the residential property;

229 (c) certifying that the residential property is residential property; and

230 (d) containing other information as required by the commission by rule.

231 (2) (a) Subject to Section 59-2-103 and except as provided in Subsection (3), a county
232 board of equalization shall allow an owner described in Subsection (1) a residential exemption
233 for the residential property described in Subsection (1) if:

234 (i) the county legislative body enacts the ordinance described in Subsection (1); and

235 (ii) the county board of equalization determines that the requirements of Subsection (1)
236 are met.

237 (b) A county board of equalization may require an owner of the residential property
238 described in Subsection (1) to file the statement described in Subsection (1) only if:

239 (i) that residential property was ineligible for the residential exemption authorized
240 under Section 59-2-103 during the calendar year immediately preceding the calendar year for
241 which the owner is seeking to claim the residential exemption for that residential property;

242 (ii) an ownership interest in that residential property changes; or

243 (iii) the county board of equalization determines that there is reason to believe that that
244 residential property no longer qualifies for the residential exemption in accordance with
245 Section 59-2-103.

246 (3) Notwithstanding Subsection (2)(a), if a county legislative body does not enact an
247 ordinance requiring an owner to file a statement in accordance with this section, the county
248 board of equalization:

249 (a) may not require an owner to file a statement for residential property to be eligible
250 for a residential exemption in accordance with Section 59-2-103; and

251 (b) shall allow a residential exemption for residential property in accordance with
252 Section 59-2-103.

253 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
254 the commission shall make rules providing:

255 (i) the form for the statement described in Subsection (1); and

256 (ii) the contents of the form for the statement described in Subsection (1).

257 (b) The commission shall make the form described in Subsection (4)(a) available to
258 counties.

259 (5) Except as provided in Subsection (6), if a property owner no longer qualifies to
260 receive a residential exemption authorized under Section 59-2-103 for that property owner's
261 primary residence, the property owner shall:

262 (a) file a written statement with the county board of equalization of the county in which
263 the property is located:

264 (i) on a form provided by the county board of equalization; and

265 (ii) notifying the county board of equalization that the property owner no longer
266 qualifies to receive a residential exemption authorized under Section 59-2-103 for that property
267 owner's primary residence; and

268 (b) declare on the property owner's individual income tax return under Chapter 10,
269 Individual Income Tax Act, for the taxable year for which the property owner no longer
270 qualifies to receive a residential exemption authorized under Section 59-2-103 for that property
271 owner's primary residence, that the property owner no longer qualifies to receive a residential
272 exemption authorized under Section 59-2-103 for that property owner's primary residence.

273 (6) A property owner is not required to file a written statement or make the declaration

274 described in Subsection (5) if the property owner:

275 (a) changes primary residences;

276 (b) qualified to receive a residential exemption authorized under Section 59-2-103 for
277 the residence that was the property owner's former primary residence; and

278 (c) qualifies to receive a residential exemption authorized under Section 59-2-103 for
279 the residence that is the property owner's current primary residence.

280 Section 3. Section **59-10-103.1** is amended to read:

281 **59-10-103.1. Information to be contained on individual income tax returns or**
282 **booklets.**

283 (1) The commission shall print the phrase "all state income tax dollars fund education"
284 on:

285 [(+)] (a) the first page of [the] an individual income tax return; and

286 [(2)] (b) the cover page of [the] an individual income tax forms and instructions
287 booklet.

288 (2) The commission shall include on an individual income tax return a statement for a
289 property owner to declare that the property owner no longer qualifies to receive a residential
290 exemption authorized under Section 59-2-103 for that property owner's primary residence.

291 Section 4. Section **59-10-136** is enacted to read:

292 **59-10-136. Domicile -- Temporary absence from state.**

293 (1) (a) An individual is considered to have domicile in this state if:

294 (i) except as provided in Subsection (1)(b), a dependent with respect to whom the
295 individual or the individual's spouse claims a personal exemption on the individual's or
296 individual's spouse's federal individual income tax return is enrolled in a public kindergarten,
297 public elementary school, or public secondary school in this state; or

298 (ii) the individual or the individual's spouse is a resident student in accordance with
299 Section 53B-8-102 who is enrolled in an institution of higher education described in Section
300 53B-2-101 in this state.

301 (b) The determination of whether an individual is considered to have domicile in this
302 state may not be determined in accordance with Subsection (3) if the individual:

303 (i) is the noncustodial parent of a dependent:

304 (A) with respect to whom the individual claims a personal exemption on the

305 individual's federal individual income tax return; and

306 (B) who is enrolled in a public kindergarten, public elementary school, or public
307 secondary school in this state; and

308 (ii) is divorced from the custodial parent of the dependent described in Subsection
309 (1)(b)(i).

310 (2) There is a rebuttable presumption that an individual is considered to have domicile
311 in this state if:

312 (a) the individual or the individual's spouse claims a residential exemption in
313 accordance with Chapter 2, Property Tax Act, for that individual's or individual's spouse's
314 primary residence;

315 (b) the individual or the individual's spouse is registered to vote in this state in
316 accordance with Title 20A, Chapter 2, Voter Registration; or

317 (c) the individual or the individual's spouse asserts residency in this state for purposes
318 of filing an individual income tax return under this chapter, including asserting that the
319 individual or the individual's spouse is a part-year resident of this state for the portion of the
320 taxable year for which the individual or the individual's spouse is a resident of this state.

321 (3) (a) Subject to Subsection (3)(b), if the requirements of Subsection (1) or (2) are not
322 met for an individual to be considered to have domicile in this state, the individual is
323 considered to have domicile in this state if:

324 (i) the individual or the individual's spouse has a permanent home in this state to which
325 the individual or the individual's spouse intends to return after being absent; and

326 (ii) the individual or the individual's spouse has voluntarily fixed the individual's or the
327 individual's spouse's habitation in this state, not for a special or temporary purpose, but with the
328 intent of making a permanent home.

329 (b) The determination of whether an individual is considered to have domicile in this
330 state under Subsection (3)(a) shall be based on the preponderance of the evidence, taking into
331 consideration the totality of the following facts and circumstances:

332 (i) whether the individual or the individual's spouse has a driver license in this state;

333 (ii) whether a dependent with respect to whom the individual or the individual's spouse
334 claims a personal exemption on the individual's or individual's spouse's federal individual
335 income tax return is a resident student in accordance with Section 53B-8-102 who is enrolled

336 in an institution of higher education described in Section 53B-2-101 in this state;
337 (iii) the nature and quality of the living accommodations that the individual or the
338 individual's spouse has in this state as compared to another state;
339 (iv) the presence in this state of a spouse or dependent with respect to whom the
340 individual or the individual's spouse claims a personal exemption on the individual's or
341 individual's spouse's federal individual income tax return;
342 (v) the physical location in which earned income as defined in Section 32(c)(2),
343 Internal Revenue Code, is earned by the individual or the individual's spouse;
344 (vi) the state of registration of a vehicle as defined in Section 59-12-102 owned or
345 leased by the individual or the individual's spouse;
346 (vii) whether the individual or the individual's spouse is a member of a church, a club,
347 or another similar organization in this state;
348 (viii) whether the individual or the individual's spouse lists an address in this state on
349 mail, a telephone listing, a listing in an official government publication, other correspondence,
350 or another similar item;
351 (ix) whether the individual or the individual's spouse lists an address in this state on a
352 state or federal tax return;
353 (x) whether the individual or the individual's spouse asserts residency in this state on a
354 document, other than an individual income tax return filed under this chapter, filed with or
355 provided to a court or other governmental entity;
356 (xi) the failure of an individual or the individual's spouse to obtain a permit or license
357 normally required of a resident of the state for which the individual or the individual's spouse
358 asserts to have domicile; or
359 (xii) whether the individual is an individual described in Subsection (1)(b).
360 (4) (a) Notwithstanding Subsections (1) through (3) and subject to the other provisions
361 of this Subsection (4), an individual is not considered to have domicile in this state if the
362 individual meets the following qualifications:
363 (i) except as provided in Subsection (4)(a)(ii)(A), the individual and the individual's
364 spouse are absent from the state for at least 761 consecutive days; and
365 (ii) during the time period described in Subsection (4)(a)(i), neither the individual nor
366 the individual's spouse;

- 367 (A) return to this state for more than 30 days in a calendar year;
368 (B) claim a personal exemption on the individual's or individual's spouse's federal
369 individual income tax return with respect to a dependent who is enrolled in a public
370 kindergarten, public elementary school, or public secondary school in this state, unless the
371 individual is an individual described in Subsection (1)(b);
372 (C) are resident students in accordance with Section 53B-8-102 who are enrolled in an
373 institution of higher education described in Section 53B-2-101 in this state;
374 (D) claim a residential exemption in accordance with Chapter 2, Property Tax Act, for
375 that individual's or individual's spouse's primary residence; or
376 (E) assert that this state is the individual's or the individual's spouse's tax home for
377 federal individual income tax purposes.
- 378 (b) Notwithstanding Subsection (4)(a), an individual that meets the qualifications of
379 Subsection (4)(a) to not be considered to have domicile in this state may elect to be considered
380 to have domicile in this state by filing an individual income tax return in this state as a resident
381 individual.
- 382 (c) For purposes of Subsection (4)(a), an absence from the state:
383 (i) begins on the later of the date:
384 (A) the individual leaves this state; or
385 (B) the individual's spouse leaves this state; and
386 (ii) ends on the date the individual or the individual's spouse returns to this state if the
387 individual or the individual's spouse remains in this state for more than 30 days in a calendar
388 year.
- 389 (d) An individual shall file an individual income tax return or amended individual
390 income tax return under this chapter and pay any applicable interest imposed under Section
391 59-1-402 if:
392 (i) the individual did not file an individual income tax return or amended individual
393 income tax return under this chapter based on the individual's belief that the individual has met
394 the qualifications of Subsection (4)(a) to not be considered to have domicile in this state; and
395 (ii) the individual or the individual's spouse fails to meet a qualification of Subsection
396 (4)(a) to not be considered to have domicile in this state.
397 (e) (i) Except as provided in Subsection (4)(e)(ii), an individual that files an individual

398 income tax return or amended individual income tax return under Subsection (4)(d) shall pay
399 any applicable penalty imposed under Section 59-1-401.

400 (ii) The commission shall waive the penalties under Subsections 59-1-401(2), (3), and
401 (5) if an individual who is required by Subsection (4)(d) to file an individual income tax return
402 or amended individual income tax return under this chapter:

403 (A) files the individual income tax return or amended individual income tax return
404 within 105 days after the individual fails to meet a qualification of Subsection (4)(a) to not be
405 considered to have domicile in this state; and

406 (B) within the 105-day period described in Subsection (4)(e)(ii)(A), pays in full the tax
407 due on the return, any interest imposed under Section 59-1-402, and any applicable penalty
408 imposed under Section 59-1-401, except for a penalty under Subsection 59-1-401(2), (3), or
409 (5).

410 (5) (a) If an individual is considered to have domicile in this state in accordance with
411 this section, the individual's spouse is considered to have domicile in this state.

412 (b) For purposes of this section, an individual is not considered to have a spouse if:

413 (i) the individual is legally separated or divorced from the spouse; or

414 (ii) the individual and the individual's spouse claim married filing separately filing
415 status for purposes of filing a federal individual income tax return for the taxable year.

416 (c) Except as provided in Subsection (5)(b)(ii), for purposes of this section, an
417 individual's filing status on a federal individual income tax return or a return filed under this
418 chapter may not be considered in determining whether an individual has a spouse.

419 (6) For purposes of this section, whether or not an individual or the individual's spouse
420 claims a property tax residential exemption under Chapter 2, Property Tax Act, for the
421 residential property that is the primary residence of a tenant of the individual or the individual's
422 spouse may not be considered in determining domicile in this state.

423 **Section 5. Effective date.**

424 This bill takes effect for a taxable year beginning on or after January 1, 2012.